

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1634

Kudaravalli, Sridhar et al.

Examiner: Kudaravalli, S.

APPLICATION NO: 10/529,613

FILED: June 8, 2005

FOR: Methods to Predict Cholesterol Elevations during  
Immunosuppressant Therapy

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION REGARDING PATENT TERM ADJUSTMENT

Sir:

MPEP 2733 states:

If a registered practitioner receives a notice of allowance with a patent term adjustment that is longer than expected, the practitioner should disclose the error to the Office in compliance with the practitioner's duty of candor and good faith in practice before the Office. Where the correct patent term adjustment is thought to be less than indicated by the Office, an application for term adjustment under 37 CFR 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate.

Accordingly, Applicants note that the Patent Term Adjustment (PTA) noted on the Notice of Allowance appears to be incorrect. Notably, the following calculations are missing:

- 1) An **Applicant delay of 320 days** that occurred between the period of June 8, 2007 (the date the application went abandoned for failure to respond to the Restriction mailed May 7, 2007) and April 23, 2008, the date a letter officially reviving the application was mailed from the Office.
- 2) An **Applicant delay of 117 days** that occurred between the period of November 19, 2008 (the date Applicants filed a [non-compliant] Amendment and Response to the May 16, 2008 Office Action) and March 16, 2009 (the date Applicants remedied the deficiencies in the non-compliant November 19, 2009 Amendment and Response).